



OFFICE OF INDEPENDENT POLICE MONITOR
CITY OF NEW ORLEANS

SUSAN HUTSON
INDEPENDENT POLICE MONITOR

January 29, 2016

Mr. Edouard Quatrevaux
Office of Inspector General
525 St. Charles Avenue, Suite 300
New Orleans, LA 70130

Re: OIPM's response to PARC's "Peer Review of the New Orleans Office of the Independent Police Monitor"

Dear Mr. Quatrevaux:

The Office of the Independent Police Monitor (OIPM) received the "Peer Review of the New Orleans Office of the Independent Police Monitor" by the Police Assessment Resource Center (PARC) dated January 2016. The OIPM has been transparent about its objections to this review process and will reiterate its concerns below. However, we did find this document to contain some helpful suggestions. Likewise, PARC's review seems to have addressed the Office of the Inspector General's (OIG) concerns about the OIPM's internal standards, political relationships and approach to its mandate. The OIPM notes that, in the instances when PARC considered the OIPM's mission statement, its internal procedures, its annual report produced separately from PIB, and its subject matter reports (such as the Wendell Allen report), the PARC review concluded that the OIPM performed well.

Additionally, PARC provided no criticism of the OIPM's Critical Incident Monitoring Process and praised the OIPM's Critical Incident Investigations Review Matrix. The OIG had widely disseminated the suggestion that the work of police monitoring should not involve response to officer-involved shootings. The OIPM expects this report to resolve any issues of the OIG's concern with our mission, mandate, and standards. We look forward to a new chapter of our relationship characterized by mutual respect for each other's mandate and autonomy in execution.

The OIPM would like to make clear from the outset that the OIPM respects the work of the OIG and believes that the OIG performs a vital service for the people of New Orleans.

We similarly respect the important role that PARC has played in our police oversight community. Despite the utility of some of PARC's advice, the OIPM must raise several objections regarding this document and the process through which it was written.



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1. **This is not a “Peer Review”:** Characterizing this document as a “peer review” misrepresents PARC’s actual relationship to the OIPM. PARC is a respected organization in the police oversight community and Merrick Bobb is a respected and experienced member of that community. But there are many forms of civilian oversight, and PARC does not practice nor conduct oversight in the manner that the OIPM does. PARC primarily reviews police departments’ systemic issues, but we do not believe that PARC practices oversight at the monitoring and community level, as the OIPM does. Additionally, PARC is not a permanently established governmental agency charged with police oversight. Instead, PARC is a nonprofit that contracts with cities to perform this function. Contractors, of necessity, have a more cooperative relationship with the cities for which they work than the OIPM’s mission demands. The OIPM mandate requires the OIPM to sometimes take an adversarial position that a contractor would not choose to take. The OIPM ordinance, for instance, demands that the OIPM publish disagreements with the NOPD. A contractor may instead opt to resolve the matter behind closed doors. A true peer review could have been conducted by the National Association for Civilian Oversight of Law Enforcement (NACOLE). Indeed, the OIPM’s plans for such a review were already underway when the OIG engaged PARC at a cost of around \$100,000. The OIPM expects to move forward with peer review by NACOLE in the next year.
2. **This review was improperly planned:** The OIG determined the scope of the review without a deep understanding of the OIPM’s work and without a consultation process. The review did not use any internal OIPM documents, such as the OIPM’s manual, training records, internal plans, document drafts, or correspondence with NOPD regarding reports. The review relied primarily on what had been posted to the OIPM website, as well as interviews with anonymous “stakeholders” proposed by the OIG and known stakeholders proposed by the OIPM. These stakeholders’ concerns, according to the PARC review, were not independently verified. For example, PARC discusses an instance in which the OIPM allegedly gave local media its opinion on an open PIB investigation just days after the investigation was initiated. In fact, the ethics complaint alleging misconduct in the same media interview had to be withdrawn after a review of the actual news footage confirmed that the allegedly biased statements were not made by any OIPM staff person. To conduct an impartial review without regard to the veracity of the source material or without consideration of the source’s motivation or allegiances is to undermine its impartiality.
3. **This review did not give sufficient weight to the OIPM’s community stakeholders:** A related issue is PARC’s minimal treatment of “New Orleans Community” stakeholders in the review. The OIPM’s mandate is to work with NOPD and the community. Unlike the



“stakeholders” given great emphasis in this report, the OIPM ordinance specifically demands that the OIPM develop relationships and partnerships with community groups, police associations, and individuals. There is no requirement in the OIPM ordinance that the OIPM invest time in cultivating relationships with other criminal justice system stakeholders. While this may be useful, it is therefore inappropriate to review the OIPM based on principles that are not part of the OIPM’s ordinance and standards. The report marginalizes the community’s perspectives while amplifying the voices of other anonymous “stakeholders”; therefore focusing the review in the wrong direction and in contradiction with OIPM’s true standard – the OIPM ordinance. A fellow monitoring organization with similar responsibilities to the public would recognize the vital importance of community trust. In fact, the OIPM’s relationship with the community it serves has been called “enviable” by the OIPM’s true peers in the National Association for Civilian Oversight of Law Enforcement.

4. **This review’s attempt to critique the OIG/IPM agency heads’ relationship was both superficial and without factual support:** While PARC chides both parties for not overcoming their differences, they cite no evidence of the OIPM agency head acting as an aggressor. In order to conduct a principled and professional review of this matter, PARC needed to consult actual documents and evidence regarding the OIPM’s hostile work environment claim, as well as correspondence between the two parties. PARC never addressed how the OIPM was supposed to defend its mandate inside what it alleged was a hostile environment.

As the OIPM is charting its course for a fully independent 2016, we hope to take advantage of some constructive advice offered by PARC. We appreciate the opportunity to revisit the OIPM’s mission as well as our efforts to fulfill it, and acknowledge some of the areas of improvement suggested by PARC. In particular, now that the OIPM’s organizational budget includes funding for a data analyst, the OIPM looks forward to being able to offer annual reports that make use of our extensive data collection to draw conclusions and make suggestions for improved policing. The OIPM embraces PARC’s reminder that additional resources are best utilized to expand the OIPM’s development of systemic analysis and policy recommendations. Finally, the OIPM recognizes the need for an independent audit. Regrettably, the OIPM’s current budgetary allocation permits only the establishment of a separate office space and additional staffing to conduct previously unfeasible audits, analyses, and reports. Since the OIG has a conflict of interest in conducting an audit of the OIPM itself, we understand PARC’s proposal as a recommendation that the OIG provide additional resources for an audit by an independent CPA. The OIPM requests that the OIG respond to this suggestion.



Notwithstanding the OIPM's critique of PARC's process and approach, the OIPM remains hopeful that since the OIG commissioned the review, the OIG now possesses the necessary assurances that the OIPM's experience and education have in fact led to informed decision-making when interpreting and applying its mandate. The OIPM specifically requests that this letter be published alongside the release of this review.

In addition, we ask that the stakeholders interviewed as well as any source material used be listed with the report. Since many of our partners in the criminal justice system have not expressed their reported concerns to the OIPM, the publication of this information could stimulate a useful dialogue, as well as allow the public to appropriately weigh the disparate interests of various stakeholders. Finally, we request an appropriate allocation so that our first independent budget can be accompanied by an independent audit. Thank you for your time and attention.

Sincerely,



Susan Hutson
Independent Police Monitor

